

DISCUSSION ON THE LABORATORY ASPECTS OF SEXUAL CRIME

DR. LETITIA FAIRFIELD said that for many years she had had to examine, with regard to allegations of interference, children who came under the care of the London County Council. Dr. Holden had mentioned the great need for care in considering the *bona fides* of girls and women too who made such allegations. It was well known that there were such people as pathological liars who were extraordinarily difficult to identify. She could recall cases of innocent-looking little girls who had invented the whole story. In actual fact the child who had been genuinely assaulted (short of rape) was not always as fearful and terrified by the experience as might be imagined. Very often the child did not realize the significance of what had happened to her, and if she was accustomed to rough-and-tumble play with her brothers and playmates she might not be as frightened as would be supposed. But the pathological liar was a real danger, and her existence ought to be mentioned in a discussion such as this.

DR. KEITH SIMPSON said he thought Dr. Holden had given the Society a very clear exposition. He wished to stress that the laboratory expert who gave evidence in criminal trials was simply a scientist; he was not a witness on one side or the other. The scientific evidence which he gave was, unfortunately, subject to strict limitation. Dr. Holden had shown how pubic hair, seminal stains, and organisms which might be found in the vagina and on the clothing might serve to link the suspect with a crime, but he had made it quite clear also how sharp the limitations in this respect were. He desired to add that, to his mind, a just verdict relied upon the evidence for the Crown's being bound by respect for limitations of that sort. Nobody could say that, for example, a particular hair belonged to a given individual. Nobody could say that seminal stains had come from a certain individual, although he would have liked to hear what Dr. Holden could say on some recent work concerning the recognition of specific substances in the seminal and other body fluids which might narrow the range of enquiry.

Members of the Medical Society for the Study of Venereal Diseases might help with regard to the classification of organisms of the gonococcus family. How far had the grouping of gonococci proceeded? In sex cases it was not necessary for the purposes of the prosecution to prove penetration, and it was often not possible to show that penetration had taken place, although there had been in law some contact between the parties. If Dr. Holden had done nothing else in his lecture than impress the meeting with the strictly limited nature of the evidence of the scientist he would have earned their gratitude.

MR. J. YAHUDA (Barrister) said that some spermatozoa showed certain characteristic defects, and if a certain number of spermatozoa with a particular defect were found it might be good evidence. Was it possible to show, of two specimens, that they had come from the same person or to say, almost equally definitely, that they had *not* come from the same person?

DR. FRANCIS CAMP said that the importance of examination for the presence of organisms like gonococci could not be overestimated. Although the presence of

spermatozoa could not be identified as from a particular individual, if gonococci were also present and the suspected person had gonorrhoea, it made the evidence more conclusive. He recalled a case of a man who was arrested for having had carnal knowledge at Tilbury of two children aged twelve. He was charged with the offence, and it was discovered that both children were suffering from gonorrhoea. The immediate assumption was that the man had infected them, but curiously enough, although he was examined about eight times all the examinations were negative. Further investigation showed that, so far from having given these children gonorrhoea, he was extremely lucky not to have contracted gonorrhoea from them. They were in fact, at the age of twelve, prostitutes of the docks.

In a recent case a girl in respect of whom a man was charged denied that intercourse had taken place, but it was shown by the presence of spermatozoa in the vagina that in point of fact intercourse had taken place while she was under the influence of barbiturates.

DR. W. N. MASCALL thanked Dr. Holden for his most interesting address. He had said that one of the factors which tended to prove that rape had occurred was the presence of fresh spermatozoa in the vagina. He wished to ask Dr. Holden how he ascertained whether spermatozoa were fresh, because he believed he was correct in saying that it was possible for spermatozoa to live in a normal vagina for a period up to three weeks.

There was also the question of examination of the hymen. The condition of elastic hymen was very well known, and when this condition existed penetration could very easily take place without giving any visible signs on examination.

He thought that in some of these cases it was very hard on the prisoner. For example, an Indian sailor was arrested as being responsible for infecting three small girls with gonorrhoea. The Indian disappeared, and after many months was arrested on a return voyage from New York. His defence was that he had gone to stay in a boarding-house kept by the mother of the girls. Apparently this boarding-house was a most unsatisfactory place and there was no bed accommodation for this Indian, so the mother put him to sleep with her children. He was an illiterate man, and he believed that in this country, as in his own, there was no law against having intercourse with small girls, and he thought, as he was put to sleep with the children, that the children were there for his use. Incidentally the mother took £10 from him, to say nothing about what had taken place. By the time he returned to England he had been cured of gonorrhoea, and it could not be proved that he had infected the children except on his own admission that he had had intercourse with them, and that he had suffered from gonorrhoea.

Dr. Mascall added that he thought that in a number of these cases blood grouping would be helpful to establish identity.

MRS. ETHEL LLOYD-LANE (Barrister) said she was amazed at the intricate work done in Dr. Holden's laboratory in these cases. She wished to ask him what availability there was for this technical and scientific data to be communicated to and on behalf of the accused

in the Summary Courts of Jurisdiction. In the Superior Courts this type of evidence was produced for the Crown and was sometimes available for inspection for the Defence; but in a vast number of cases in the Lower Courts it was not available, or not available for, or disclosed to, the accused.

She, like others, had been struck by the suspicion with which one had to regard the evidence of children, some of whom were very clever in concocting stories giving very detailed circumstantial accounts of gross indecency about which, of course, the children had learned in their own homes or from their fellows. In one case with which she was concerned no examination whatever had been made of the accused or his clothing at any stage, and nothing had been done to assist him to prepare his defence. The whole evidence was circumstantial, resting on the stories of the children, who were so clever that only several hours of cross-examination established the error. She had every respect for the extreme care with which the police established their cases, but she thought that the examination facilities ought to be equally open to the accused, who, in these summary cases, were very often people of small means who could not afford for themselves the elaborate laboratory investigations required to rebut guilt.

MR. MILNER HELME, a member of the Medico-Legal Society, recalled a case in which a man was charged at the Assizes with bestiality. The alleged offence was with a cow in a very muddy meadow. The judge summed up, and the jury—to everybody's surprise—returned a verdict of "not guilty." Afterwards enquiries were made as to why the jury had returned such a verdict, and the explanation given was, "You cannot get twelve men to believe that any man would commit such an offence under such conditions."

DR. MATHESON, referring to Dr. Fairfield's point about the young pathological liar, usually of the female sex, said that he had met such cases and he would make this observation. At a remand prison he had been struck with the comparative rarity with which men charged with carnal knowledge and indecent offences protested their innocence. Another point was that the London policeman was also a very keen psychologist, and when he investigated a charge he could "spot," as it were, the pathological liar and carry the case no further. In one case which came to the Courts before Mr. Justice Charles, a woman of thirty years, a pathological liar, was examined by the judge himself, who got from her the admission that the alleged rape took place under a lighted street lamp. The judge pointed out to the jury that this was a most unlikely place for such an offence to be committed, and the man was acquitted.

DR. LETITIA FAIRFIELD said that a very valuable piece of information was given to her by an experienced Salvation Army Captain of many years' standing. He said that men charged with sexual offences were more truthful than one would ever suspect, "until they had seen a lawyer."

DR. HOLDEN, replying, said that the value of laboratory and competent medical examination lay in the possibility of providing corroboration or otherwise of the story told by the complainant or the suspect. Mrs. Lloyd-Lane had mentioned that as far as she knew no facilities were given to the defence for examination in cases of a sexual nature. First of all, the clothing of the injured party and of the accused were normally examined at the

laboratory on behalf of the Crown. The results of such examination were always available to the defence. In the laboratory of which he was in charge, facilities for examination on behalf of the defence were certainly always available. At no stage was there any attempt to suppress or hinder examinations on behalf of the defence.

Another point which should be stressed was that medical and scientific evidence was evidence for the Court rather than for any one side. They were giving to the Court the benefit of careful observation and accurate inference for the Court to assess its value. They were doing this not necessarily to secure a conviction: they were not concerned whether a conviction ensued or not. For his own part—and he was quite sure that it applied to all his medical colleagues—they were anxious that the defence should be given every opportunity. The case mentioned by Mrs. Lloyd-Lane in which the clothing of the accused was not examined was an unfortunate one; normally the laboratory pressed for a complete examination of the clothing, both of the accused and of the complainant.

Mr. Yahuda had spoken of the examination of the spermatozoa. They knew that oligospermia and aflagellate and bi-flagellate sperm could exist, but he did not think that their existence necessarily clinched the evidence, or that a particular individual could therefore be associated with an offence. There were occasions when the group of the semen could be determined, but there were times when that was impossible with any accuracy, and for this reason: that where there had been a criminal assault it was frequently found that the semen present was associated with vaginal material from the victim or with his or her blood, and so there was a complicated picture which made determination impossible.

Concerning blood grouping, this did not get them as far as they might think.

He could not answer the question about the viability of the sperm in the vagina. In a dried stain one could get some approximation to the age of the stain. It was very like an oak leaf from a tree. It could be recognized as such for some time after it had fallen in the autumn, but by the following spring it would have been broken into fragments and could not be easily recognized. When a seminal stain had been freshly left on a fabric it was easily recognizable when first observed and also after it had dried, but owing to creasing of the fabric, friction, and wear and tear, it underwent a progressive breakdown until it was more or less unrecognizable. Therefore a recent stain would show a high percentage of intact spermatozoa, whereas an old stain would show very few. For a period of time the individual spermatozoa would be found in a stain, but they would slowly lose the precision of their staining characteristics, and in a very old stain the individual spermatozoa showed a much poorer and less crisp staining than when fresh.

DR. FRANCIS CAMP had mentioned the question of infection. He recalled one case of sodomy in which the man got a rectal infection due to Vincent's angina—a very unusual thing. It was shown that the active partner in this offence of sodomy cohabited with a lady who had an oral infection of Vincent's angina.

He would again emphasize that the evidence of the laboratory expert and the forensic pathologist was evidence for the Court rather than for either side. They were always prepared to give the defence facilities for examining the material which was in police possession and of seeing the evidence upon which they based their conclusions.